UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD MELTON et al.	:	Case No.: C-1-01-528
	:	
Plaintiffs,	:	Judge Spiegel
	:	
v.	:	
	:	
BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO et al.	:	
	:	
Defendants.	:	

MEMORANDUM OF DEFENDANT JONATHAN TOBIAS, M.D. IN RESPONSE TO PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL

Plaintiffs have moved to dismiss this action pursuant to Federal Rule of Civil Procedure 41(a)(2), which allows a plaintiff to dismiss a suit without prejudice upon terms and conditions set by the Court. While Dr. Tobias is confident of the merits of his motion for summary judgment, he agrees that Plaintiffs' motion should be granted in order to expedite resolution of this suit.

Respectfully submitted,

/s/ Glenn V. Whitaker
Glenn V. Whitaker (0018169)
Victor A. Walton, Jr. (0055241)
Vorys, Sater, Seymour and Pease LLP
Suite 2000, Atrium Two
221 East Fourth Street
Cincinnati, OH 45202
Telephone: (513) 723-4000
Facsimile: (513) 723-4056
Attorneys for Defendant Jonathan Tobias, M.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by electronic mail on all counsel of record on this 24th day of May, 2004.

/s/ Glenn V. Whitaker
Glenn V. Whitaker